

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9233 OF 2019
WITH
CIVIL APPLICATION NO. 12777 OF 2022
IN WP/9233/2019

M/s Mahalaxmi Traders Prop Sunilsin Indarsing Rajput And Others
VERSUS
The State Of Maharashtra And Others

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Advocate for the Petitioners : Mr. Shelke Appasaheb A
AGP for Respondent/State : Mrs. M.L. Sangit
Advocate for Respondent Nos.3 & 4 : Mr. G.V. Sukale

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CORAM : S.G. MEHARE, J.

DATED : JANUARY 12, 2024

PER COURT:-

1. Heard learned counsel for the petitioners and learned counsel for the respondents.
2. The petitioners have impugned the order of the Assistant Registrar, Co-operative Societies (Perseva) Padegaon, Aurangabad dated 11.07.2019. In fact, against the said order, a remedy of revision is available. However, this Court hearing the respective parties on 20.09.2019 considered that there is dispute about the calculations. Hence on certain conditions including appointing of an experienced Chartered Accountant for making appropriate calculations, the petitioners as well as respondent nos.3 and 4 were given an opportunity to appear before the Chartered Accountant and placed

their cases. Accordingly, both parties appeared before the Chartered Accountant. The Chartered Accountant after entertaining them, made the calculations and submitted the report to the Court. It was a specific observations in the above order that the petitioners would not challenge the opinion expressed by the Chartered Accountant and would abide by the said report. In these peculiar circumstances, the petition was taken for consideration.

3. Today, learned counsel for the petitioners would submit that the calculations made by the Chartered Accountant were not agreeable to the petitioners. He is disputing the facts and way of calculating the dues against the petitioners. The petition was entertained in the peculiar circumstances. However, the petitioners took u-turn from their words to accept the Chartered Accountant calculations and reports. He would further submit that the petitioners have a confusion about the exact figures liable to be paid. They were not able to understand from the Chartered Accountant report which or what amount they have to pay to the bank. Learned counsel for the petitioners further states that he also made separate calculations from another Chartered Accountant who has given the different figures. This point goes to show that there was a dispute on facts.

4. In view of the matter, this Court is of the view that it would be better to direct the parties to approach the revisional jurisdiction. Hence, the writ petition stands disposed of. The

petitioners are at liberty to approach the Divisional Joint Registrar challenging the order impugned before this Court. The period spent here should be considered for condonation of delay if the revision under Section 154 of the Maharashtra Cooperative Societies Act is preferred. If the revision is filed, the Revisional Court should decide the revision within two months.

5. Civil Application No.12777 of 2022 stands disposed of.

(S.G. MEHARE, J.)